



Patent Docket P1007P1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Ashkenazi Serial No.: 09/993,234 Filed: November 19, 2001 For: Apo-2LI and Apo-3 Polypeptides	Group Art Unit: 1642 Examiner: G. Nickol Conf. No. 1337
<p style="text-align: center;">CERTIFICATE OF EXPRESS MAILING Express Mail Number: EV 351 926 661 US</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</p> <p style="text-align: right;">July <u>17</u>, 2003 <u>Diane L. Marschang</u> Diane L. Marschang</p>	

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 23 2003

TECH CENTER 1600/2900

Sir:

In the office communication dated March 26, 2003, the Examiner issued an election of species requirement under 35 USC 121. Specifically, the Examiner asserts that the application contains claims directed to the following patentably distinct species:

- a) isolated nucleic acids encoding amino acid residues 1-417 of SEQ ID NO:6; ✓
- b) isolated nucleic acids encoding amino acid residues 25-417 of SEQ ID NO:6; - no support
- c) isolated nucleic acids encoding amino acid residues 25-198 of SEQ ID NO:6; ✓
- d) isolated nucleic acids encoding amino acid residues 338-417 of SEQ ID NO:6; ✓
- e) isolated nucleic acids encoding amino acid residues 19-204 of SEQ ID NO:6; - no support
- f) isolated nucleic acids encoding amino acid residues 339-409 of SEQ ID NO:6. - no support

09/993,234

Applicants hereby elect to prosecute claims directed to the species identified by the Examiner as isolated nucleic acids encoding amino acid residues 25-198 of SEQ ID NO:6. It is believed that pending claims 34, 36-39, and 91-94 are readable thereon.

Respectfully submitted,
GENENTECH, INC.

Date: July 17, 2003

By: Diane L. Marschang
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416



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PATENT TRADEMARK OFFICE
#138149



JUL-18-03

Patent Docket P1007P1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi Serial No.: 09/993,234 Filed: November 19, 2001 For: APO-2LI AND APO-3 POLYPEPTIDES	Group Art Unit: 1642 Examiner: G. Nickol Conf. No. 1337 CERTIFICATE OF EXPRESS MAILING Express Mail Number: EV 351 926 661 US I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450". July 17, 2003 <i>Diane L. Marschang</i> Diane L. Marschang
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Commissioner for Patents
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Alexandria, VA 22313-1450

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Sir:

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Transmitted herewith are the following documents:

1. Response to Restriction/Election Requirement
2. Petition and Fee for Three Month Extension of Time
3. Return Postcard

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: July 17, 2003
By: *Diane L. Marschang*
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Telephone No. (650) 225-5416



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